

CLERK OF THE COURTS
UNITED STATES DISTRICT
844 N.KING STREET
WILMINGTON,DELAWARE

06-018-JJF
05-16-07

SUPPORT OF SUMMARY
JUDGEMENT

DEFENSE DOES NOT DESPUTE THAT THE OFFICERS IN THIS CASE DID FORCEABLY TAKE EVIDENCE FROM PLAINTIFF. THE DEFENSE CLAIMS THAT IT WAS ALLOWED UNDER DELAWARE LAW. DELAWARE LAW STATES THAT REASONABLE STEPS CAN BE USED IF ALLEDGED REFUSES CHEMICAL TEST.21 SECTION 2742. FORCE NOT MENTIONED.

THEREFORE THIS IS FACT THAT THE TOWN OF MILLSBORO AND THE MILLSBORO POLICE DIRECT POLICE TO USE PHYSICAL FORCE TO OBTAIN EVIDENCE NO MATTER OF THE DEGREE OF FORCE.


THAT THE PLAINTIFF WAS ALREADY IN CUSTODY AND HARM TO THE PUBLIC WAS NOW AVOIDED.

THAT THE ACCUSED IN A DWI CASE IS ALLOWED TO MAINTAIN A DEFENSE BY REFUSING TO GIVE EVIDENCE.

THAT THE DEFENSE ENTERED THE CONTRADICTING STATEMENTS,BY OFFICERS, INTO DISCOVERY THIS SHOULD THEREFORE BE ALLOWED AT TRIAL.

CC.BRUCE HERRON SENT U.S.
MAIL 5-16-07

RESPECTFULLY



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